

### Remarks

This continuation application is filed subsequent to the Decision on Appeal in parent application serial no. 09/594,059. The Board's decision considered rejections under 35 U.S.C. §102 as anticipated by European Patent Application No. 0 034,444 to Haag and a rejection under 35 U.S.C. §103(a) based upon Haag and Haag in view of EPA 0 034,444 to Colombo. The Board's decision reversed the rejection under 35 U.S.C. §102 based upon Haag, but sustained the rejections under 35 U.S.C. §103 based upon Haag and Haag in view of Colombo.

The decision in reversing the rejection under 35 U.S.C. §102(b) based upon Haag found "...there is no specific teaching regarding the hydrocracking of an olefin-rich hydrocarbon feedstock", (emphasis original), page 5. However, in the rejections under 35 U.S.C. §103, the Board found that one of ordinary skill in the art would have used olefin-containing feedstocks in the Haag hydrocracking process. While applicants' claims on appeal called for "an olefin-rich" feedstock, they did not objectively define an olefin content. It is evident that the Board gave no meaning to the term "olefin-rich" in the claim preambles and simply reviewed the rejections without regard to the olefin content of the feedstock.

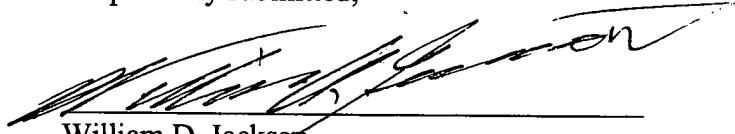
In the claims as presented in this continuing application, each of the independent claims specify that the feedstock contains olefins in an amount within the range of 10 to 100 wt.%. Support for this subject matter as now set forth in applicants' claims is found in applicant's specification in the paragraph at the top of page 12 of the specification. In addition, claims 22 and 30 specify an olefin content of at least 50 wt.%. Support for this subject matter is found in the paragraph bridging pages 12 and 13 of applicant's specification. In addition, applicants' new claim 35 specifies that the feedstock contains more than 50 wt.% C<sub>4</sub> as an olefin. Support for this subject matter is found in the first full paragraph of page 13 of applicants' specification.

Further, with respect to the claims as now found in this application, dependent claim 2 and independent claims 23 and 31 specify a hydrogen partial pressure of no more than 7.5 bar. Support for this subject matter is found in applicants' specification in the paragraph bridging pages 23 and 24, which explains the advantages of employing hydrogen under relatively low partial pressures in order to obtain a high propylene purity while retaining good catalyst stability.

With respect to the foregoing amendment to page 5 of the specification, the Decision at the top of page 10 found this paragraph relating to EP-A 0921179 to be an admission regarding the removal of dienes prior to "any catalytic cracking process." While applicants would not agree and would respectfully submit that the referenced portion of applicants' specification is concerned only with EP-A 0921179, lines 19-30 of original page 5 have been cancelled in order to avoid any inference of any admission regarding the maximum diene concentration in the specific cracking process claimed here.

It is respectfully requested that the foregoing amendments to this application be made prior to examination. The claims as now amended specifically call for an olefin content of at least 10 wt.% in the feedstock and patentably distinguish over the prior art references. Accordingly, early examination and allowance of this application is respectfully requested.

Respectfully submitted,



William D. Jackson  
Registration No. 20,846

Date: November 21, 2003  
Locke Liddell & Sapp LLP  
2200 Ross Avenue, Suite 2200  
Dallas, TX 75201-6776  
Telephone: (214) 740-8535  
Facsimile: (214) 740-8800